

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

JOHN DAVID EVERETT,

Plaintiff,

v.

PIERCE COUNTY PROSECUTOR'S
OFFICE, *et al.*,

Defendants.

Case No. C07-5137RBL

ORDER DISMISSING
COMPLAINT WITHOUT
PREJUDICE

The Court, having reviewed the Report and Recommendation of Magistrate Judge J. Kelley Arnold, objections to the report and recommendation, if any, and the remaining record, does hereby find and ORDER:

- (1) The Court adopts the Report and Recommendation;
- (2) Plaintiff's complaint is **DISMISSED WITHOUT PREJUDICE**. Plaintiff cannot challenge the propriety of his current his incarceration in a civil rights action.
- (3) The Clerk is directed to send copies of this Order to plaintiff and to the Hon. J. Kelley Arnold.

DATED this 27th day of July, 2007.


RONALD B. LEIGHTON
UNITED STATES DISTRICT JUDGE